

**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 419: HOME HEALTH SERVICES**

**§2149-A. POLICIES AND PROCEDURES; EMPLOYMENT**

The requirements of this section apply to home health care providers required to be licensed under this chapter. [ 2003, c. 634, §4 (NEW). ]

**1. Policies and procedures.** A home health care provider shall develop and implement written policies and procedures that prohibit abuse, neglect or misappropriation of a client's property.

[ 2003, c. 634, §4 (NEW) . ]

**2. Employment.** A home health care provider shall obtain criminal history record information about applicants for positions as unlicensed assistive personnel as defined in section 1717, subsection 1, paragraph D and may not hire an individual who:

A. Has worked as a certified nursing assistant and has been the subject of a notation by the state survey agency for a substantiated complaint of abuse, neglect or misappropriation of property in a health care setting that was entered on the Maine Registry of Certified Nursing Assistants and Direct Care Workers; [ 2011, c. 257, §17 (AMD). ]

B. Has been convicted in a court of law of a crime involving abuse, neglect or misappropriation of property in a health care setting; or [ 2003, c. 634, §4 (NEW). ]

C. Has a prior criminal conviction within the last 10 years of:

(1) A crime for which incarceration of 3 years or more may be imposed under the laws of the state in which the conviction occurred; or

(2) A crime for which incarceration of less than 3 years may be imposed under the laws of the state in which the conviction occurred involving sexual misconduct or involving abuse, neglect or exploitation in a setting other than a health care setting. [ 2003, c. 634, §4 (NEW). ]

[ 2011, c. 257, §17 (AMD) . ]

**SECTION HISTORY**

2003, c. 634, §4 (NEW). 2011, c. 257, §17 (AMD).

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